

USCG / ECOLOGY MOA	Protocols Manual	Procedure: 1 Page: Page 1 of 6 Revision: 0
Facility Contingency Plan Review		

1. PURPOSE/SCOPE

The purpose of the Facility Contingency Plan Review protocol is to coordinate contingency plan review activities and maximize the effectiveness of combined USCG District Thirteen (“USCG”) and Washington State Department of Ecology (“Ecology”) resources devoted to the review and approval of Facility Contingency Plans.

This protocol is expected define the process for Facility Contingency Plan Review to be performed by Ecology, subject to USCG oversight. It is also expected to ensure that this coordinated effort satisfies USCG and Ecology regulations.

2. AUTHORITY/REFERENCES

Memorandum of Agreement on Oil Pollution Prevention and Response between the Commander, Thirteenth Coast Guard District and the State of Washington executed May 25, 2001. Section VI – Preparedness for Oil Spills:

A. 3. Facility Oil Spill Response/Contingency Plans: Facility Plans are required by both Federal and State law. These plans describe facility capabilities to prevent and respond to pollution emergencies. The State and the Coast Guard will coordinate with the Department of Transportation (DOT), Minerals Management Service (MMS), and the Environmental Protection Agency (EPA) in assessing facility contingency plans.

- a. Subject to the requirements of applicable law, regulations and policy, the Parties agree to develop a protocol to enhance the coordinated review and approval of facility contingency plans.
- b. The Coast Guard and the State will cooperate to ensure that requirements for facility contingency plans are compatible. The Parties will work together to determine the feasibility of the Coast Guard accepting State review and approval of facility contingency plans, subject to Coast Guard oversight.

Ecology

Statutes

RCW 90.48

RCW 90.56

Regulations

WAC 173-181

Documents/Forms

Northwest Area Contingency Plan

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Geographic Response Plans
 Facility Benchmarks
 Manual for Review of Facility and Vessel Oil Spill Contingency Plans

USCG

Statutes

33 USC 2701 (OPA 90)
 33 USC 1321 (Federal Water Pollution Control Act, as amended, Section 311)

Regulations

33 CFR 154.1010 & 154.1065
 33 CFR 155.1010 & 155.1065

Documents/Forms

Northwest Area Contingency Plan
 Geographic Response Plans

3. EFFECTIVE DATE/POINTS OF CONTACT

This protocol will become effective upon signature of both parties.

The following persons will serve as points of contact for questions concerning this protocol and its implementation:

Ecology

Preparedness Section Manager, Spills Program
 Phone: (360) 407-7447
 Fax: (360) 407-7288
 Mailing Address: Washington Department of Ecology, Spills Program, P.O. Box 47600,
 Olympia, WA 98504-7600

USCG

Marine Response Program
 Phone: (206) 220-7210
 Fax: (206) 220-7225
 Mailing Address: Commander (mr), Thirteenth Coast Guard District, 915 Second Ave, Room
 3506, Seattle, WA 98174

4. POLICIES AND PROCEDURES

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- It is the policy of the USCG and Ecology to coordinate the review of Facility Contingency Plans to avoid duplication of effort to the maximum extent possible.
- It is the policy of the USCG and Ecology to share information that affects the level of readiness for a facility to respond to an oil spill.
- It is the policy of the USCG and Ecology to communicate during the plan review process and coordinate the review with the DOT, MMS, and EPA.
- It is the policy of the USCG and Ecology to have Ecology undertake the plan review of jointly regulated facilities for both state and federal standards, with USCG oversight.
- It is the policy of the USCG and Ecology that documents shared with Ecology will be done pursuant to the Disclosure of Records protocol.

Frequency of Communication

- Ecology will provide the USCG with a list of shared facilities (see Appendix I) and a list of plan expiration dates.
- Ecology will work with the USCG to develop a checklist for the review of facility contingency plans that covers both federal and state requirements.
- Ecology will inform the cognizant MSO promptly and the USCG will inform Ecology promptly of any situation at any facility that may pose significant threat to the public health and safety or the environment.
- Ecology and USCG will designate a lead contact for contingency plan reviews and will meet quarterly to discuss and resolve any issues that may affect contingency plan review efforts.
- Ecology Preparedness Section Supervisor and USCG will meet twice a year to review contingency plan review efforts and to identify issues related to spill preparedness that need to be addressed to further enhance contingency plan review efforts.

USCG Task Detail

USCG will oversee the following tasks:

- Provide Ecology with a list of contingency plan expiration dates and assist in establishing a schedule for plan review.
- Review contingency plan review checklists and cover letters before they are sent out to the facilities, providing feedback to Ecology as needed.
- Coordinate enforcement actions with Ecology for the facilities that are currently jointly regulated by the USCG and Ecology
- Provide all necessary information to Ecology prior to the beginning of a plan review.

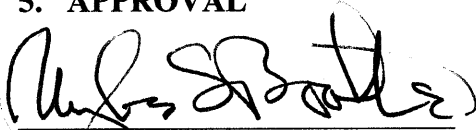
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Ecology Task Detail

The Preparedness Section Manager will oversee the following tasks:

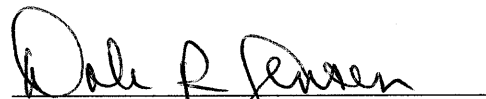
- Communicate and resolve any issues that may affect Ecology's ability to perform a facility contingency plan review.
- Establish a schedule for contingency plan reviews and checklist that will cover both the federal and state requirements for plan reviews.
- Provide the USCG with copies of Facility Contingency Plan Review checklists and correspondence between Ecology and the regulated facilities.
- Provide information to the USCG on any non-compliance or deficiency issues regarding regulated facilities.

5. APPROVAL



M. S. BOOTHE
United States Coast Guard
Thirteenth Coast Guard District
Chief, Marine Safety Division

DATE: 5/30/2003



DALE R. JENSEN
Program Manager
Spill Prevention, Preparedness, and
Response Program
Washington Department of Ecology

DATE: 5-30-03

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Appendix I
List of Shared USCG/Ecology Regulated Facilities

Facility Plan Expiration Date	Location
ARCO Harbor Island (BP West Coast Products) 12/15/2005	Seattle
BP Cherry Point Refinery 10/05/2004	Blaine
Chevron-Texaco 03/27/2006	Seattle
Chevron-Texaco Pipeline 01/08/2006	Pasco
Conoco Spokane Terminal 05/25/2005	Spokane
Exxon Spokane Facility 10/22/2004	Spokane
Fort James 02/02/2005	Camas
Island Petroleum Services (Orcas Island & Roche Harbor) Friday Harbor 12/09/2004	
Kinder Morgan Cond. Approval	Seattle
Longview Fibre 02/02/2005	Longview
Manchester 09/22/2005	Poulsbo
McNeil Island 06/06/2006	Steilicoom
Pacific Terminals 10/31/2005	Seattle
Phillips 66 Renton 09/18/2005	Renton
Phillips 66 Tacoma 09/15/2005	Tacoma
Phillips 66 Refinery 02/28/2005	Anacortes
Port Townsend Paper 03/13/2005	Port Townsend

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Facility Plan Expiration Date	Location
Rainier Petroleum 02/02/2006	Seattle
Shell Harbor Island 10/24/2005	Seattle
Shell Puget Sound Refining 09/02/2004	Anacortes
Shore Terminals 04/13/2005	Tacoma
Simpson Tacoma Kraft 09/01/2005	Tacoma
Sound Refining 04/13/2005	Tacoma
Tesoro Port Angeles 04/13/2005	Port Angeles
Tesoro Refinery, Anacortes 01/06/2005	Anacortes
Tesoro Vancouver 04/13/2005	Vancouver
Tidewater Wilma Terminal 03/01/2005	Clarkston
Tidewater Snake River 02/28/2007	Pasco
US Oil 07/20/2005	Tacoma
Weyerhaeuser 11/09/2005	Longview
Naval Air Station Whidbey 09/05/2005	Oak Harbor